

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

JOHN L. CRAYTON

Plaintiff,

V.

Case No.: 2:07-cv-626-MEF

**ALABAMA DEPARTMENT OF
AGRICULTURE & INDUSTRIES,**

(LEAD CASE)

Defendant.

JOHN L. CRAYTON

Plaintiff,

V.

Case No.: 2:07-cv-1111-MEF

**ALABAMA DEPARTMENT OF
AGRICULTURE & INDUSTRIES,**

(MEMBER CASE)

Defendant.

MOTION FOR SUMMARY JUDGMENT

COMES NOW, the Defendant, Alabama Department of Agriculture & Industries, pursuant to Rule 56 of the Federal Rules of Civil Procedure, and hereby moves this Honorable Court to enter Summary Judgment in its favor on all counts in the Complaint as a matter of law, on the grounds that there is no genuine issue of material fact, and that the Defendant is entitled to Summary Judgment as a matter of law.

In support of this Motion for Summary Judgment, Defendant submits the following evidence:

1. The Statement of Undisputed Facts contained in the Brief in Support of Motion for Summary Judgment filed contemporaneously herewith.

2. The Evidentiary Submission in Support of the Motion for Summary Judgment filed contemporaneously herewith.

WHEREFORE, THE PREMISES CONSIDERED, Defendant, Alabama Department of Agriculture & Industries, respectfully requests, pursuant to Rule 56 of the Federal Rules of Civil Procedure that Summary Judgment be entered in its favor on all counts as a matter of law and against the Plaintiff.

/s/ Emily C. Marks
EMILY C. MARKS

/s/ E. Hamilton Wilson, Jr.
E. HAMILTON WILSON, JR.
Attorneys for the Defendant

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CERTIFICATE OF SERVICE

I hereby certify that on May 30, 2008, I electronically filed the foregoing with the Clerk of the Court, using the CM/ECF system which will send notification of such filing to the following:

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Montgomery, AL 36104-3528

/s/ Emily C. Marks

OF COUNSEL